

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TING KRAY; SAMAUN SRIP; and SAP  
KRAY,

Plaintiffs,

v.

THE CITY OF TACOMA; THE  
TACOMA POLICE DEPARTMENT;  
PHILIP ARREOLA; and JOHN DOE  
NOS. 1-25,

Defendants.

CASE NO. C97-5582 KLS

ORDER GRANTING  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT AS TO  
TING KRAY

The Defendants filed this motion to dismiss the only remaining claim in this litigation, which is Ting Kray's claim of a warrantless seizure in violation of his Fourth Amendment rights. ECF No. 117. Tin Kray filed a response (ECF No. 120) but he presented no evidence or briefing with regard to this one limited issue raised by the Defendants.

Having reviewed the materials filed by the Defendants, the Court hereby GRANTS the motion to dismiss, for the reasons set forth below.

## 1 STATEMENT OF FACTS

2 This claim arises from an event on August 28, 1997 in which Sap Kray shot and killed a  
3 Tacoma Police Officer, which shooting occurred in a house associated with Ting Kray. After the  
4 shooting occurred, Ting Kray, along with others, was driven to the McKinley Street police  
5 substation in a police car. He and the others were placed in a conference room and required to  
6 remain there until released to go home, which did not occur until after Sap Kray had been taken  
7 into custody. It is unclear how long Ting Kray remained in the substation but it was at least for  
8 several hours.

9 During the time he was in the conference room he was never questioned by police nor  
10 was he physically restrained other than being required to remain in the conference room.

## 11 CLAIMS AND DISCUSSION

12 Ting Kray asserts that this was a warrantless seizure in violation of his Constitutional  
13 rights. The Defendants assert that the detention was minimal and, under the exigent  
14 circumstances of the shooting, that there was no Constitutional violation. In the alternative, they  
15 assert that Ting Kray's claims should be dismissed as he has presented no evidence to support  
16 such claims against the named Defendants.

17 The Court agrees with the Defendants that the Plaintiff has failed to present any evidence  
18 regarding a custom or policy to support a municipal liability claim and that he has failed to  
19 present any evidence to show personal involvement of Philip Arreola, the Chief of Police at the  
20 time this incident occurred.

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1 The Defendants are, therefore, entitled to dismissal of Ting Kray's remaining claim and  
2 their motion is GRANTED. ECF No. 117.

3 Dated this 1<sup>st</sup> day of August, 2012.

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6 Karen L. Strombom  
7 United States Magistrate Judge  
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